

REMARKS

Applicants have amended claims 1, 6, and 16-23, cancelled claims 2-5, and added new claims 33-53. Accordingly, claims 1 and 6-53 are pending and under consideration. In view of the following remarks, Applicants hereby request reconsideration of the claims.

ALLOWED AND ALLOWABLE SUBJECT MATTER:

The Office Action, at page 6, item 10, indicated claims 27-32 are allowed.

REJECTION UNDER 35 U.S.C. §103:

The Office Action, at page 2 item 4, rejected claims 1-26 under 35 U.S.C. §103(a) as being unpatentable over Singh (U.S. Patent No. 6,760,693 – hereinafter Singh) in view of Weber (U.S. Patent No. 6,096,086 – hereinafter Weber). The reasons for the rejection are set forth in the Office Action and are therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Singh and Weber, taken separately or in combination, do not disclose, teach, or suggest at least, "...a display step of superimposing the exterior model built in the exterior model building step, and the interior model built in the interior model building step," as recited in independent claim 1.

Singh recites, at col. 3, lines 51-54, "...the vehicle library 114 may contain parameters defining various vehicles and vehicle system characteristics, such as interior size and vehicle body style." However, Singh does not recite or teach building an interior model using the recited interior parameters.

Singh further recites, at col. 5, lines 37-45, "The vehicle body 16 further includes an occupant compartment 32 to accommodate vehicle occupants (not shown). It should also be appreciated that the instrument panel 22, roof 21, floor 24 and pillar 18 cooperatively define the interior space of the vehicle 10 referred to as the occupant compartment 32. The occupant compartment 32 includes a number of seats (not shown) for the occupants and control mechanisms (not shown) to operate the vehicle 10." Here, Singh again fails to teach building an interior model using interior parameters. Rather, Singh simply acknowledges that an interior may include seats and control mechanisms to operate the vehicle. Neither the seats nor the control mechanisms are shown or discussed further in Singh.

Because Singh does not disclose building an interior model, then Singh cannot teach "*superimposing* the exterior model built in the exterior model building step, and the interior model built in the interior model building step," using an interior model Singh did not build.

Alternatively, Weber recites "a computer aided method for designing an interior portion of an automotive vehicle" (col. 13, lines 33-35). Weber describes using occupant position parameters to orient an occupant representation within a vehicle. (col. 6, lines 20-28). Weber does not recite building an exterior model. Using the same logic employed with respect to Singh, because Weber does not recite building an exterior model, then Weber cannot teach "*superimposing* the exterior model built in the exterior model building step, and the interior model built in the interior model building step," using an exterior model Weber did not build.

To further contrast the disclosures of these references, an exemplary embodiment of the present application will be described. In paragraph [0065], the present application recites "The computer 1...build[s] three models called a reference model 1b, exterior model 1c, and structure model 1d, and then builds an overall model 1e by superimposing these three models." An exemplary benefit is further explained in paragraph [0084], which recites, "By superimposing the reference model and exterior model, the packaging state (the head clearance and oppressive feeling of passengers) and visibility of the vehicle can be verified."

Therefore, for at least these reasons, independent claim 1 is patentably distinguishable from the cited references. Since similar features recited by independent claims 24 and 35, with potentially differing scope and breadth, are not taught or disclosed by the references, claims 24 and 35 should also allowed.

Applicant also respectfully submits that claims 6-23, 25-26, and 36-53, which variously depend from independent claims 1, 24 and 35, should be allowable for at least the same reasons as claims 1, 24 and 35, as well as for the additional features recited therein.

Further, Singh and Weber, taken separately or in combination, do not disclose, teach, or suggest at least, "an exterior model building step of building an exterior model that expresses an outer appearance of the vehicle by reading out an exterior parameter group associated with an exterior shape of a vehicle, and changing exterior parameters included in the readout exterior parameter group," as recited in independent claim 1.

Singh states at col. 3, lines 47-49, "...the vehicle library 114 may contain a parametric solid model of an exterior portion of a particular vehicle..." However, Singh fails to discuss the above-recited features.

Weber does not recite building an exterior model at all, let alone the above-recited features.

Therefore, for at least these reasons, independent claim 1 is patentably distinguishable from the cited references. Since similar features recited by independent claims 24, 33, 34, and 35, with potentially differing scope and breadth, are not taught or disclosed by the references, claims 24, 33, 34, and 35 should also be allowed.

Applicant also respectfully submits that claims 6-23, 25-26, and 36-53, which variously depend from independent claims 1, 24 and 35, should be allowable for at least the same reasons as claims 1, 24 and 35, as well as for the additional features recited therein.

Further, Singh and Weber, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein in the display step, it is distinguishably displayed whether or not the exterior model and the interior model interfere with each other, and wherein each of the displayed exterior model and interior model are independently adjustable," as recited in independent claims 1 and 35. As previously asserted, Singh does not disclose "a display step of superimposing the exterior model built in the exterior model building step, and the interior model built in the interior model building step." Because Singh does not disclose superimposing an exterior model with an interior model, Singh cannot disclose the above-recited feature.

Weber describes "a computer aided method for designing an interior portion of an automotive vehicle" (col. 13, lines 33-35). Because Weber does not disclose "*superimposing* the exterior model built in the exterior model building step, and the interior model built in the interior model building step," as previously asserted, Weber cannot disclose the above-recited feature.

Further, Singh and Weber, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein in said exterior model building step, the exterior model is changed on the basis of vehicle specification values associated with exterior dimensions of the vehicle, while in said interior model building step, the interior model is not changed in conjunction with the vehicle specification values," as recited in independent claims 1 and 35.

Therefore, for at least these reasons, independent claim 1 and 35 are patentably distinguishable from the cited references. Further, claims 6-23 and 36-53, which variously depend from independent claims 1 and 35, should be allowable for at least the same reasons as claims 1 and 35, as well as for the additional features recited therein.

Further, Singh and Weber, taken separately or in combination, do not disclose, teach, or suggest at least, "...wherein the structure model is built by using a sectional shape of the framework of the vehicle, the sectional shape being set out as the structure parameters by the

user,” as recited in independent claims 33 and 34. Therefore, for at least these reasons, independent claims 33 and 34 are patentably distinguishable from the cited references.

No motivation to combine established under 35 USC §103

Applicants also submit that the Office Action fails to set forth an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to combine or modify the references. More specifically, the Office Action fails to substantiate a finding for a motivation to combine the interior design techniques of Weber with the exterior design techniques of Singh, other than the Office Action reference made to Weber (col. 1, lines 11-21), which merely recites the importance of “...occupant comfort and convenience...”

MPEP § 2142 states that “[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper.” The Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references. In *re* Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In *re* Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not “evidence.” *Id.*, at 1617.

As commonly understood, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art... “[the Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” In *re* Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). Conclusory statements of generalized advantages and convenient assumptions are inadequate to support a finding of motivation to combine prior art references for a proper obviousness rejection. In *re* Beasley, Civ.App. 04-1225, slip op. at 6-7, 2004 WL2793170 (Fed. Cir. 2004).

Claims 1 and 6-53 are pending and under consideration. In accordance with the foregoing, Applicants respectfully submit that none of the references taken alone or in combination disclose the present claimed invention.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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